

2204

Attorney Docket No. 1883 C

Patent Application



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoseph Yaacobi) Group Art Unit: NYA
Serial No.: 10/697,141) Examiner: NYA
Filed: October 30, 2003)
For: Ophthalmic Drug Delivery Device

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Express Mail No. EV 124464235 US

Date: January 30, 2004

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby submits this statement. This submittal is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure.

The Examiner is respectfully requested to fully consider each of the references cited on the attached form PTO/SB/08 and, after such consideration, initial the enclosed Form PTO/SB/08 in the space provided next to each reference. Please return a copy of the initialed Form PTO/SB/08 with the next communication transmitted to the Applicant. A copy of each of the cited references is enclosed with this communication. Any markings, underlines, notations or the like present in any reference are not to be construed as drawing the Examiner's attention to such marking or away from other portions of the reference.

This statement is filed within three months of the filing date of this application pursuant to 37 C.F.R. § 1.97(b), and therefore no fee for the consideration of this statement is enclosed herewith. However, the Commissioner is hereby authorized to charge any amount required for the consideration of this statement to Deposit Account No. 501051 of Alcon , Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. David Lee". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

W. David Lee
Reg. No. 39,743

Alcon Research, Ltd.
Mail Code Q-148
Fort Worth, TX 76134-2099
Tel: (817) 568-6029
Fax: (817) 551-4610



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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/697,141
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First Named Inventor	Yoseph Yaacobi
Art Unit	
Examiner Name	
Attorney Docket Number	1883 C

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U. S. PATENT DOCUMENTS

U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	A1	US-	3,416,530	12/17/1968	Ness	
	A2	US-	3,828,777	08/13/1974	Ness	
	A3	US-	4,014,335	03/29/1977	Arnold	
	A4	US-	4,327,725	05/04/1982	Cortese et al.	
	A5	US-	4,853,224	08/01/1989	Wong	
	A6	US-	4,946,450	08/07/1990	Erwin	
	A7	US-	4,997,652	03/05/1991	Wong	
	A8	US-	5,147,647	09/15/1992	Darougar	
	A9	US-	5,164,188	11/17/1992	Wong	
	A10	US-	5,178,635	01/12/1993	Gwon	
	A11	US-	5,300,114	04/05/1994	Gwon	
	A12	US-	5,322,691	06/21/1994	Darougar	
	A13	US-	5,378,475	01/03/1995	Smith et al.	
	A14	US-	5,403,901	04/04/1995	Namdaran et al.	
	A15	US-	5,443,505	08/22/1995	Wong et al.	
	A16	US-	5,466,466	11/14/1995	Muller	
	A17	US-	5,476,511	12/19/1995	Gwon et al.	
	A18	US-	5,516,522	05/14/1996	Peyman et al.	
	A19	US-	5,632,984	05/27/1997	Wong et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
	A20	EP 0 904 787 A..	03/31/1999	Santen Pharm Co. Ltd.		
	A21	WO 94/05257	03/17/1994	Allergan, Inc.		
	A22	WO 99/11244	03/11/1999	Control Delivery Sys		
	A23	WO 99/07418	02/18/1999	Allergan Sales, Inc.		
	A24	DE 40 22 553	01/23/1992	H. Hund		✓
	A25	WO 97/14415	04/24/1997	F.H. Faulding & Co.		

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		Number-Kind Code ² (if known)				
	B1	US-	5,679,666	10/21/1997	Clark	
	B2	US-	5,725,493	03/10/1998	Avery et al.	
	B3	US-	5,770,592	06/23/1998	Clark	
	B4	US-	5,773,019	06/30/1998	Ashton et al.	
	B5	US-	5,743,274	04/28/1998	Peyman	
	B6	US-	5,766,242	06/16/1998	Wong et al.	
	B7	US-	5,766,619	06/16/1998	Aiache et al.	
	B8	US-	5,797,898	08/25/1998	Santini, Jr. et al.	
	B9	US-	5,824,072	10/20/1998	Wong et al.	
	B10	US-	5,824,073	10/20/1998	Peyman	
	B11	US-	5,830,173	11/03/1998	Avery et al.	
	B12	US-	5,836,935	11/17/1998	Ashton et al.	
	B13	US-	5,902,598	05/11/1999	Chen et al.	
	B14	US-	5,904,144	05/18/1999	Hammang et al.	
	B15	US-	5,916,584	06/29/1999	O'Donoghue et al.	
	B16	US-	6,001,386	12/14/1999	Ashton et al.	
	B17	US-	6,074,661	06/13/2000	Olejnik et al.	
	B18	US-	6,110,485	08/29/2000	Olejnik	
	B19	US-	5,710,165	01/20/1998	Kapin et al.	

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		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
	B20	WO 98/23228	06/04/1998	Alza Corp.		
	B21	WO 99/45920	09/16/1999	Johns Hopkins		
	B22	WO 95/28984	11/02/1995	Escalon Ophthalmics		
	B23	WO 96/36377	11/21/1996	Optonol Ltd.		
	B24	WO 95/26734	10/12/1995	William Freeman		
	B25	WO 98/43611	10/08/1998	Alza Corp.		

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	C1	US- 6,146,366	11/14/2000	Schachar	
	C2	US- 6,126,687	10/03/2000	Peyman	
	C3	US- 6,217,895	04/17/2001	Guo et al.	
	C4	US- 6,375,972	04/23/2002	Control Delivery Sys	
	C5	US- 4,300,557	11/17/1981	Refojo et al.	
	C6	US-			
	C7	US-			
	C8	US-			
	C9	US-			
	C10	US-			
	C11	US-			
	C12	US-			
	C13	US-			
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	C20	WO 99/32104	07/01/1999	Alcon Labs		
	C21	WO 00/37066	06/29/2000	Johns Hopkins		
	C22	RU 2149615	05/27/2000	Nesterov		
	C23	WO 00/56340	03/22/2000	Control Delivery Sys		
	C24					
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	D1	"Bausch & Lomb and Control Delivery Systems Agree to Develop Breakthrough Therapeutic Products for Severe Eye Diseases;" Business Wire via First!; NewsEdge Corp.; 06/15/1999; 4 pp	
	D2	"Method of Placing Irrigation System into Tenon's Space," E.I. SIDORENKO, et al., Abstract of Russian Patent No. RU 2123314, issued 12/20/1998, 1 pg.	
	D3	"A New method for Posterior Sub-Tenon's Drug Administration," NESTEROV, et al., Ophthalmic Surgery, Vol. 24, No. 1, January 1993, pp. 59-61	
	D4	DIALOG File 266:FEDRIP database record; Identifying No. 122098; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page; 06/03/99	
	D5	DIALOG File 266: FEDRIP database record; Identifying No. 134284; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page	
	D6	DIALOG File 266: FEDRIP database record; Identifying No. 131476; "Ocular Bioavailability of AL-3789 and AL-4940 after Sub-Tenon's Injection of AL-3789 Ophthalmic Suspensions in New Zealand White Rabbits; Compiled and distributed by NTIS; 1 page	

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